

Strategic Environment Assessment (SEA)
and
Habitats Regulations Assessment
Screening and Determination Statement.
For the Chesterfield HS2 Station Masterplan.

July 2021

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1. Strategic Environment Assessment

- 1.1. Introduction**
- 1.2.** The requirement for a Strategic Environment Assessment (SEA) is set out in Government Planning Practice Guidance and Environmental Protection legislation (the Environmental Assessment of Plans and Programmes Regulations 2004). This legislation implements the SEA Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment.
- 1.3.** To assess whether a SEA is required the Local Authority must undertake a screening process based on a standard set of criteria. This must be subject to consultation with the three statutory consultees of; Historic England, the Environment Agency and Natural England. The masterplan has undergone public consultation and during this the comments of the three statutory consultees has been sought and received.
- 1.4.** The comments of the statutory consultees and others has been taken into account and the results of the screening process must be detailed in a Screening Statement, which is required to be made available to the public.
- 1.5.** The final screening statement shows a decision and also how a decision has been reached (a determination), on whether or not Chesterfield HS2 Station Masterplan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.6. Purpose of the Masterplan**
- 1.7.** The masterplan being prepared by Chesterfield Borough Council will set out how the Council thinks public and private investment could be best co-ordinated through new development within the station area. To do this it sets out a vision, aims and objectives within the context of wider statutory and non-statutory strategy and policy. The master plan also contains illustrations to show how the vision, aims and objectives could be achieved.



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- 1.8. The masterplan will not allocate sites itself nor will it contain formal policies and it will not form part of the statutory planning framework against which development consents will be assessed. Nevertheless, given the consultation process used, it will be appropriate to give weight to it during planning decisions even though it is not intended to and will not prescribe development management parameters or restrict alternative development which meets the requirements of the Local Plan.
- 1.9. It can be used to inform supplementary planning document's as it shows how the Council thinks development within the station area could achieve the strategic objectives of the recently adopted Chesterfield Borough Local Plan 2018-2035.
- 1.10. The Chesterfield Borough Local Plan 2018-2035 (Local Plan) contains strategic objectives, land use allocations and policies which are applicable to development within the station masterplan area and as part of the statutory town and country planning policy framework it provides the overarching strategy and policy framework for development within the masterplan area. The Local Plan has been subject to the process of Strategic Environment Assessment including Sustainability Appraisal (SA).

2. SEA Legal Background and Procedure

- 2.1. The basis for and approach to SEA and SA come from European law¹ as written into English law² and the Government published guidance on applying this in 2005³. The requirements for SEA apply to '*qualifying plans and programme's*'. Article 2(a) of the SEA Directive provides that qualifying "*plans and programmes*" are those "*subject to preparation and/or adoption by an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government*" and also "*required by legislative, regulatory or*

¹ European Directive 2001/42/EC

² Environmental Assessment of Plans and Programmes Regulations 2004

³ Strategic Environmental Assessment Directive: Practical guidance on applying European Directive 2001/42/EC



administrative provisions ...". A similar definition appears in reg. 2(1) of the 2004 Regulations.

- 2.2. Furthermore under Article 3 of the SEA Directive, SEA is required for "*plans and programmes ... likely to have significant environmental effects*" if they are "*prepared for ... town and country planning or land use and ... set the framework for future development consent of projects listed in Annexes I and II to [the EIA Directive]*". Regulation 5 of the 2004 Regs then provides for the assessment of plans or programmes prepared on or after 21 July 2004. The relevant authority is required to carry out the SEA before the adoption or submission of the qualifying plan or programme. The description of a "plan or programme" given in reg. 5(2) of the 2004 Regs is one that: "*(a) is prepared for ... town and country planning or land use, and (b) sets the framework for future development consent of projects listed in Annex I or II...*".
- 2.3. Article 4(3) of the SEA Directive then provides that "*[where] plans and programs form part of a hierarchy, Member States shall, with a view to avoiding duplication of the assessment, take into account the fact that the assessment will be carried out, in accordance with this Directive, at different levels of the hierarchy. For the purpose of, inter alia, avoiding duplication of an assessment, Member States shall apply Article 5(2) and (3)*" (this is reflected at reg. 12(3) of the 2004 Regs).
- 2.4. There is also relevant EC⁴ and UK guidance and case law⁵ which when taken into account reinforce the need for a plan or programme to be '*required by legislative, regulatory or administrative provisions*' for SEA to be required.
- 2.5. The SEA Directive also requires SEA for plans when:

⁴ Implementation of Directive 2001/42 of the Assessment of the Effects of Certain Plans and Programmes on the Environment

⁵ *Friends of the Earth Limited v Secretary of State for Housing, Communities and Local Government* [2019] EWHC 518 (Admin); *Inter-environment Bruxelles ASBL & Others v Region De Bruxelles-Capitale* (C- 567/10); [2012] Env. L.R. 30; *R (on the application of Buckinghamshire County Council and Others) v Secretary of State for Transport* [2014] UKSC 3; *R (West Kensington Estates Tenants & Residents' Association) v Hammersmith and Fulham LBC* [2013] EWHC 2834; *R (Howsmoor Developments Limited and others) v South Gloucestershire Council* [2008] EWHC 262 (Admin)); *Terre Wallonne ASBL v Région Wallonne* [2010] ECJ 04.03.2010C/105/09 (C-110/09)



- a) They "determine the use of small areas at local level or
 - b) Are minor modifications to the above plans or programmes..." and states that "...they should be assessed only where Member States determine that they are likely to have significant effects on the environment."
- 2.6. The criteria for determining the significance of effects are listed in Schedule 1 (9 (2) (a) and 10 (4) (a) of the Environmental Assessment of Plans and Programmes Regulations 2004. They relate to:
- the scope and influence of the document and
 - the type of impact and area likely to be affected
- 2.7. Chesterfield Borough Council as the responsible authority under the Environmental Assessment for Plans and Programmes Regulations 2004 is required to determine if SEA is necessary. In doing so it is not always required to assess if significant environmental effects are likely, as alone such impacts do not necessarily trigger the need for an SEA.
- 2.8. If an assessment of likely environmental effects is required then it must take into account Schedule 1 of the SEA Regulations. It is also required to consult with the consultation bodies (Environment Agency, Historic England and Natural England).
- 2.9. Where the Responsible Authority determines that the plan or programme does not need to be subject to full Strategic Environmental Assessment, it must prepare a statement showing the reasons for this determination. Regulation 11 of the EA for Plans and Programmes Regulations 2004 requires the Responsible Authority to send to each consultation body a copy of the determination and its reasons for the determination in those cases where it is determined that SEA is not required. The Responsible Authority is also required to take steps as it considers appropriate to bring the determination to the attention of the

public. The Responsible Authority shall keep a copy of the determination and accompanying statement of reasons for public inspection.

- 2.10. Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

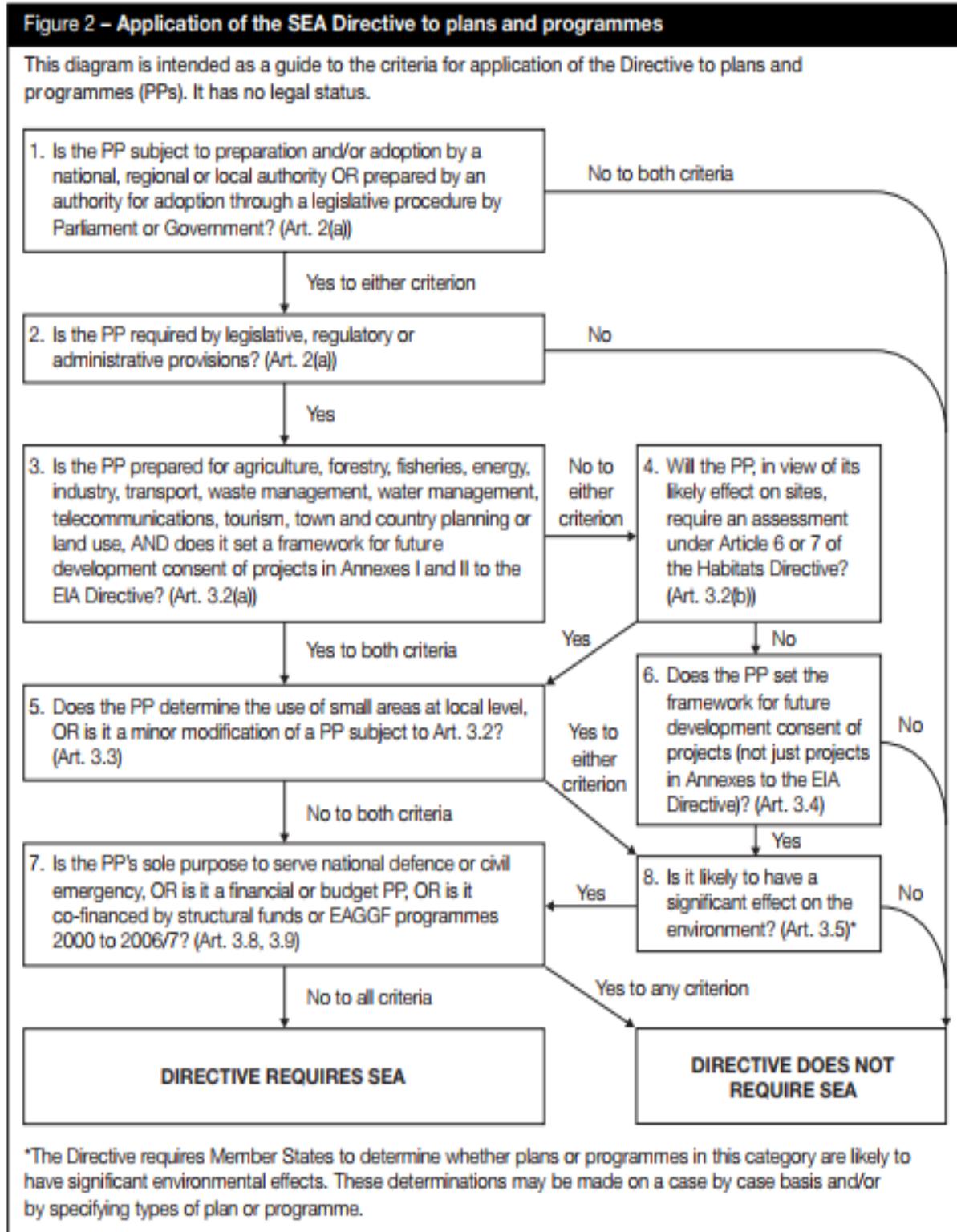
1. The characteristics of plans and programmes, having regard, in particular, to:
 - the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
 - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
 - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
 - environmental problems relevant to the plan or programme,
 - the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:
 - the probability, duration, frequency and reversibility of the effects,
 - the cumulative nature of the effects,
 - the transboundary nature of the effects,
 - the risks to human health or the environment (e.g. due to accidents),

- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
- the value and vulnerability of the area likely to be affected due to:
 - o special natural characteristics or cultural heritage,
 - o exceeded environmental quality standards or limit values,
 - o intensive land-use,
 - o the effects on areas or landscapes which have a recognised national, Community or international protection status.

(Source: Annex ii of SEA Directive)

2.11. SEA Screening Assessment

2.12. The diagram⁶ below illustrates in outline the process required for screening a planning document to ascertain whether a full SEA is required.



⁶ A Practical Guide to Strategic Environmental Assessment Directive (ODPM, 2005)



2.13. The table below follows that outline process and shows the assessment of whether the Draft Chesterfield HS2 Station Masterplan requires a full SEA. The questions below are drawn from the diagram above which sets out how the SEA Directive should be applied.

Table 1: Establishing the Need for SEA

Stage	Y/N	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a)); and	N	The masterplan is being prepared for/by Chesterfield Borough Council to show how public and private investment and development in the station area could be best done and co-ordinated to meet strategic aims and objectives in the Chesterfield Borough Local Plan 2018-2033 and Economic Strategy. The masterplan works within the parameters set by the Local Plan which has been subject to SEA. However, it is not being prepared by the authority for adoption through a legislative procedure by Parliament or Government
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	There is no legislative or regulatory requirement/obligation for the masterplan to be created. Whilst Local Plan policy SS7 states the intent of the Council to prepare a masterplan, it is not mandatory, nor obligatory to do so. There is no administrative provision that 'requires' the masterplan although one is seen as important to show how development and investment could be best done and co-ordinated. The masterplan will provide evidence that can be used for the preparation of an SPD or design code and will carry weight in planning decisions but is not a Development Plan Document or Supplementary Planning Document.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	?	<p>The master plan does not set a formal prescriptive development framework for development consents. However, it will carry weight in planning decisions if adopted and Local Plan policy SS7 infers that some degree of conformity with the master plan will be required of development proposals. However, the Local Plan is the statutory framework and the master plan is not. The master plan is not a development plan document or an SPD. Nor is it prescriptive and it does not rule out alternative development which accords with the Local Plan nor make acceptable development which does not accord with the Local Plan.</p> <p>The master plan will set out a suggested vision, aims, objectives, and design principles for the station area. It will show illustratively how land use and layout could be used to achieve the vision, aims and objectives.</p>
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N	The masterplan does not allocate land for development. The adopted Local Plan 2018-2033 has this role. The adopted Local Plan has been subject to the requirements of the Habitats Directive.
5. Does the PP Determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	N	The masterplan identifies opportunities for small development areas (plots) and suggests how these might be best developed in terms of their characteristics but does not prescribe their use. The Local Plan has this role. The master plan does not propose an amendment (minor or otherwise) to the Local Plan and the Local Plan remains the PP that determines uses within the local area.



6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	?	<p>The Local Plan is the mandatory framework. The master plan is not a development plan document or an SPD. Nor is it prescriptive and it does not rule out alternative development which accords with the Local Plan nor make acceptable development which does not accord with the Local Plan. However, whilst the master plan does not set a formal prescriptive development framework for development consents, it will carry weight in planning decisions if adopted and Local Plan policy SS7 infers that some degree of conformity with the master plan will be required for development proposals..</p> <p>The masterplan will describe local highway network options based on the Local Plan which seeks the delivery of the Hollis Lane Link Road (HLLR). The masterplan will describe these local network options and suggest a preferred option in terms of some junction arrangements and the layout of pedestrian and cycle routes, and roads.</p>
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N	N/A
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	?	<p>The majority of the illustrative proposals in the master plan are not likely to have a significant effect on the environment in isolation or cumulatively and would fit within the parameters of the Local Plan and its SEA. However, elements of the proposals shown do have the potential for an adverse impact on the significance of designated heritage assets including the setting of the St Marys and All Saints Church, a grade II former engineers building and the Town Centre Conservation Area. It is not entirely clear at this stage if the impact would be significant/substantial or less so. Historic England have opined that there is a likelihood of a significant environmental impact during consultation. Nevertheless, the impact will be determined and assessed through the development management process when detailed proposals come forward for permission.</p> <p>The land use scenario used for the master plan would not be outside of the parameters considered by the Local Plan SEA.</p>

3. SEA Screening Determination

- 3.1. The screening concludes that the Chesterfield HS2 Station Master Plan is not required by legislative, regulatory or administrative provisions and so is not a qualifying plan or programme. It does not fall within the definition of a plan or programme set out at reg 2(1). Regardless of whether or not the master plan will set a framework for development and regardless of whether or not a significant environmental impact is

likely, the master plan is not a qualifying plan or programme under the SEA Directive and equivalent UK legislation and so **SEA is not necessary**.

- 3.2. Nevertheless, the initial screening of likely significant effects for the public consultation stage has highlighted the potential for adverse effects on the historic environment and some of the development shown may require environmental impact assessments (EIA). When proposals are progressed through planning applications their impacts on the environment will be considered through the development management process, and this will include screening for EIA and heritage impact assessments.

4. Appropriate Assessment for the Habitats Directive

- 4.1. Legal protection is afforded to habitats and species of European importance through Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna - known as the 'Habitats Directive'. Articles 6(3) and 6(4) of the Habitats Directive require Appropriate Assessment of plans to be undertaken. This involves assessing the contents of plans to ensure that their policies and proposals maintain the integrity of Natura 2000 sites. Natura 2000 sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). The assessment must determine whether the plan would adversely affect the nature conservation objectives of each site. Where negative effects can be identified, other options should be examined to avoid any potential damaging effects.
- 4.2. The application of the precautionary principle through the Habitats Directive means that plans can only be permitted once it is shown that there will be no adverse effect on the integrity of any Natura 2000 sites. In the rare case of there being no alternatives available or over-riding reasons of public interest why a plan needs to be implemented, plans that do have negative impacts may still be approved.

5. Screening for Appropriate Assessment and Determination

- 5.1. The first stage in carrying out an Appropriate Assessment for the Habitats Directive is screening, by determining whether the plan is likely

to have any significant effect on a European site, either alone or in combination with other plans and projects.

- 5.2. The Chesterfield Local Plan has recently been subject to screening in respect of appropriate assessment and this include consideration of an amount of housing and employment development and also policies specific to the station master plan area including the strategic site policy SS7. The assessment mostly concluded that development in the Chesterfield Borough Local Plan will not have a likely significant effect on any internationally important wildlife sites either alone or in combination with other plans and projects. However, a more detailed assessment of the potential effects from air quality and visitor/recreational pressure were subject to more detailed 'appropriate assessments' in relation to each European site, taking into account policy-based measures incorporated into the plan. Following this more detailed assessment the conclusion reached was that 'Overall, the HRA [Habitats Regulations Assessment] of the draft Local Plan concluded it will have no adverse effects on the integrity of any European sites, alone or in combination'.
- 5.3. The European sites considered in the screening of the Local Plan were as follows:

Site	Location relative to the Chesterfield Borough Council (CBC) Administrative Area
Birklands and Bilhaugh SAC	Site is approximately 15km to the east of the CBC boundary, in the Sherwood Forest Country Park.
Gang Mine SAC	Site located near Wirksworth, approximately 14km to the south-west of the CBC boundary.
Peak District Dales SAC	Composite site with multiple separate site units located to the west of the CBC Administrative Area; the closest unit is located near Matlock, approximately 11km from the CBC boundary.
Peak District Moors (South Pennine Moors Phase 1) SPA	Large upland site west and north-west of the CBC Administrative Area; closest point is approximately 4km from the CBC boundary but most of site substantially further away.
South Pennine Moors SAC	Large upland site west and north-west of the CBC Administrative Area; closest point is approximately 4km from CBC boundary but most of site substantially further away.

- 5.4. A prospective SPA (ppSPA) was also considered at Sherwood Forest.

6. Appropriate Assessment Determination

- 6.1. The conclusions of the Local Plan Habitat Regulations Screening are considered to be relevant to the Chesterfield HS2 Station Master Plan, given that the development shown indicatively in the master plan is of a



location, use, layout and amount that would not be a significant departure from that envisaged in the Local Plan. Having regard to the character of the development and the sensitivity of the environment it is considered that the development shown in the master plan would not be likely to have a significant effect on the European sites covered by the Habitats Directive and assessed in the Local Plan HRA screening assessment.

- 6.2. In respect of the impact on local undesignated habitats, this will be considered through the development management process when planning applications for specific developments are made, and it is therefore considered that given the informal nature of the Chesterfield HS2 Station Masterplan and its conformity with the Local Plan having regard to habitat impacts, that a full Appropriate Assessment is not required.

Appendix 1: Chesterfield Borough Council Response to Statutory Consultees
Comments

Issue Raised	CBC Response
Environment Agency	
Flooding Risk affects plots C and D	Part of plot C would be affected by a low surface water flood risk and also would be within the area affected by flood risk from reservoirs. The uses shown in the master plan are in the 'less vulnerable' category. On this basis no fundamental constraint to the indicative development shown exists and a flood risk assessment would be required for any detailed development proposals. Plot D (Waterside) has had its flood risk considered through the waterside master plan and associated planning permissions. These will be updated and will address the issues raised by the Environment Agency. The Station Area master plan only deals with suggested accessibility links through plot D.
Permits required for activities within 8 metres of a main river (i.e. River Rother) on or within 8 metres of a flood defence structure.	Noted and will be considered when detailed proposals are prepared at planning application stage.
Opportunities in line with Local Plan policy CLP19 River Corridors should be taken.	These apply to the plot D (Waterside) and an updated master plan for Waterside is the relevant place to take account of enhancements to the river environment. The Station Area master plan is not the appropriate place for covering this, as its remit for Plot D merely relates to showing suggested accessibility links.
Expectation for a Water Framework Directive (WFD) compliance assessment with development, given character of development and proximity to based on the proximity and magnitude of the proposed development to the River Rother.	The master plan acknowledges the opportunities for improved surface water management and gains in biodiversity. It does not however specifically identify the River Rother for environmental improvements as the master plan only includes suggested accessibility measures to the relevant Plot D. The reason being is that this plots development is to be mainly guided by an updated Waterside master plan and not the Station Area master plan.
A biodiversity net gain should be achieved and this should be calculated using the DEFRA metric 2.0 and should at least demonstrate a 10% increase. In doing so the plan should consider possible options for weir removal / fish pass opportunities nearby but off-site, or as a minimum include a feasibility assessment of options for this.	The master plan uses existing baseline evidence on biodiversity and provides an indicative outline of how areas for new habitats could be created with the opportunity of more habitat and habitat of higher biodiversity value than existing measured against the DEFRA metric. The master plan and associated landscape strategy show a limited but adequate assessment and illustrative proposals, whilst detailed application of the metric and assessment of



	options for net gain will be done at the planning application stage.
Groundwater and Contaminated Land	Initial ground investigations and a preliminary risk assessment have been carried out and further work will inform mitigation at the planning application stage.
Need to avoid increasing flood risk on and off site and avoid adverse effect upon existing flood defences. If Masterplan proposals are expected to have an impact on these matters then they CBC may want to reassess the requirements for an SEA.	The master plan proposals would not increase flood risk on or off site and should improve it. No adverse effect on existing flood defences is likely.
Natural England	
Plan is positive for biodiversity but could include further measures to improve coherence and connectivity of ecological networks.	The opportunities for linking habitat have been looked at through the landscape strategy and habitat provided within the limitations posed by accessibility improvements.
A net gain approach should be taken to biodiversity using the current DEFRA metric.	The master plan landscape strategy is based on an understanding of the existing habitats on site and shows how more and better quality habitat could be provided. Specific net gain would be dealt with in detail at the planning application stage.
Unlikely that any significant adverse effects on the environment likely that haven't been considered in the Local Plan Sustainability Appraisal.	Noted
Agree that appropriate assessment not necessary.	Noted
Historic England	
The MSCP poses significant challenges to townscape and heritage setting.	Acknowledged.
Vast areas of hard surfacing interspersed with just a few bulky buildings would give neither flavour of the townscape beyond nor establish a successful place in its own right.	The master plan sets out design principles and illustrates a place that would function better than the existing place whilst also being able to provide and enable significant public benefits.
Bulky buildings will reduce the impact of the crooked spire and compromise its setting.	Views of the spire have been considered as part of the master plan's development and 'framing the spire' is a key objective.
A contextual approach that goes beyond long views should be adopted that employs established urban design principles. Spreading out the quantity of development to create a tighter grain and lower heights would help with this and assist in creating a more intimate sense of place more in tune with the character of the town. It would	Urban design principles are reflected in the master plan objectives and design principles. The character of the station area illustrated would be different to that of other parts of the town, and necessarily so to achieve the likely significant public benefits of development. Nevertheless, the final master plan will acknowledge the need for consideration in



<p>allow, for instance, the integration of the GII listed Engineers Offices as part of a street scene, a far more appropriate setting for this building, which is illustrated marooned in a sea of public realm.</p>	<p>siting, massing, landscaping and architecture to respect heritage assets and townscape. Currently the immediate setting of the Engineers Office is noted to mainly consist of different car parking areas, utilitarian fencing, street lighting and highways with public realm being limited to a footway and a small landscaped area to its front.</p>
<p>What the master plan proposes would have significant environmental effects and its non-statutory nature doesn't bear in this issue. Advise that SEA is necessary.</p>	<p>Following screening the Chesterfield Borough Council has determined that for the purposes of the SEA legislation and regulations, the master plan is not a 'qualifying plan or programme' and so SEA is not required or necessary. There is therefore no requirement to assess for significant environmental impacts as these have no bearing on the necessity of carrying out SEA.</p>

Appendix 2: Statutory Consultee Comments

A2.1 - The Environment Agency

Mr Alan Morey - Major Sites Officer
Chesterfield Borough Council
Town Hall Rose Hill
Chesterfield
Derbyshire
S40 1LP

Our ref: LT/2006/000178/SD-
07/IS1-L01
Your ref:
Date: 05 March 2021

Dear Mr Morey

Chesterfield HS2 Station Masterplan

Thank you for consulting the Environment Agency on the Chesterfield HS2 Station Masterplan. We have the following comments below on a number of matters within the Environment Agency's remit.

Flood Risk

We have the following comments in relation to flood risk:

On site D there is an area of flood zone 3 on the land adjacent to the River Rother. Existing buildings in the area have a history of flooding, No land raising must take place in this area that might increase flood risk or exacerbate flooding at Tapton Terrace. A flood risk assessment (FRA) will be required to demonstrate this.

On site C2 there is a historical flooding problem on Hollis Lane. An FRA is required to demonstrate prevention of flooding to new buildings.

Environmental permit - advice

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
on or within 8 metres of a main river (i.e. River Rother)
on or within 8 metres of a flood defence structure
For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Fisheries, Biodiversity and Geomorphology

General

The master document highlights the relevant local planning policies but excludes CLP19 River Corridors – page 71. It is felt there are opportunities within the vicinity of the works that could be incorporated in line with this local planning policy.

1. Water Framework Directive Assessment

The Rother from Spittal Beck to Doe Lea (GB104027057771) Water Framework Directive (WFD) surface waterbody runs directly adjacent to and within the proposed development site.

Based on the proximity and magnitude of the proposed development to the Rother from Spittal Beck to Doe Lea (GB104027057771) WFD waterbody, we would expect that a WFD compliance assessment is carried out as part of the proposed development. A WFD assessment must demonstrate that the proposed development does not:

- Cause deterioration in the status of any waterbody through deterioration in the status of the Biological Quality Elements (BQEs) or
- Compromise the ability of the waterbody to achieve its WFD status objectives (through improvement works if necessary);

and should where possible,

- Indicate how the proposed scheme contributes to the delivery of WFD objectives.

Reason(s) / additional information

The River Rother has historically been physically modified throughout much of its length, including throughout the proposed development site. This historic physical modification includes channelisation (straightening), construction of artificial in-channel structures (e.g. weirs and river walls) and an overall reduction in in-channel and riparian habitat complexity. The existing channel morphology limits the overall ecological value of the water body and this is reflected in the waterbody's Heavily Modified Water Body (HMWB) designation. As part of this HMWB designation, a number of WFD mitigation measures and actions have been identified as being required in order for the waterbody to achieve its objective of Good Ecological Potential. This includes mitigation measures to work with physical form and function, such as:

- Improvements to channel-floodplain connectivity
- Setting back of existing embankments
- Re-opening existing culverts
- Improving in-channel morphological diversity
- Preserving or restoring existing in-channel and riparian habitats
- Removing or softening existing hard bank protection; and
- Removing obsolete artificial (man-made) structures from the waterbody.

Based on the above, there is scope for the proposed development to not only protect, but also deliver meaningful morphological and ecological improvements in line with the Humber River Basin Management Plan and WFD objectives of the waterbody. As such, we recommend that proposed development should seek to

deliver enhancements in line with those set out in the Humber RBMP and WFD water body objectives.

More information on the types of ecological enhancement opportunities, with specific reference to Plots C & D of the proposed masterplan, are provided below.

This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. This reasoning is also supported by Policies CLP16 (Biodiversity, Geodiversity and the Ecological Network) and CLP19 (River Corridors) of the Chesterfield Local Plan.

2. *Biodiversity Net Gain*

The proposed development has the potential to significantly change the existing land-use and therefore ecological value of the site. As such, we recommend that a Biodiversity Net Gain (BNG) assessment is carried out using the latest version of the DEFRA Biodiversity Metric. This will ensure that the post-development biodiversity gains and / or losses are accurately quantified (when compared to the pre-development / baseline scenario). A BNG assessment undertaken early within a project or development should identify constraints and opportunities which then help inform the final design and where necessary mitigation.

As well as assessing area-based (terrestrial) habitats, the DEFRA Biodiversity Metric 2.0 includes two distinct supplementary modules for linear habitats (A: Hedgerows and lines of tress & B: Rivers and streams). The Rother from Spittal Beck to Doe Lea (GB104027057771) surface water body and its riparian zone, fall within the red line boundary of the proposed development site. The current Biodiversity Metric 2.0 user guide states that “it is an important rule of the metric that the biodiversity units calculated through the core habitat area-based metric and each of the linear units are unique and cannot be summed or converted. When reporting biodiversity gains or losses with the metric, the different biodiversity unit types must be reported separately and not summed to give an overall biodiversity unit value”.

Based on the information above, we recommend that the BNG assessment should include an assessment of the likely gains / losses to the linear habitats present – i.e. hedgerows and river habitats. We would expect to see measurable (at least 10%) net gain for each of the habitat types present.

More information on the types of ecological enhancement opportunities, with specific reference to Plots C & D of the proposed masterplan, are provided below.

Reason(s) / additional information

This reasoning is in line with the latest Biodiversity Metric 2.0 guidance and is supported by paragraphs 170 and 175 of the NPPF guidance as well as Policies CLP16 (Biodiversity, Geodiversity and the Ecological Network) and CLP19 (River Corridors) of the Chesterfield Local Plan. Depending on timescales of the proposed development, there is also a chance that 10% BNG may be a mandatory

requirement (following the passing of the upcoming Environment Bill) – as such, we feel that flagging this at the earliest possible opportunity is important.

3. Plot C

A fish pass on Chesterfield canal weir (SK 3881 7227) downstream of the works was conditioned by the Local Authority as part of a planning application for the Chesterfield Waterside Development. This application was submitted prior to the economic slowdown. Whilst some new enquiries have been made about the development, there has not yet been any construction work at the main development site (from WFD investigation report 2018).

When the fish pass at the canal is complete the next barrier will be the weir 400 metres upstream of Chesterfield Station. The weir is known to the Environment Agency as Marine Drive weir - SK 38976 71194, and is an impassable barrier to fish migration.

The development here should consider if possible options for weir removal / fish pass opportunities at the site, or as a minimum include a feasibility assessment of options for this site. This would be in line with CLP19, the WFD as well as design driver “6. Improving green infrastructure – enhance greenery and biodiversity” detailed in the development at Plot C. Although the weir is not within the red line boundary for the site it is local to the site and in the stretch of the river Rother than runs parallel with the development, separated by the railway line and a housing estate. This presents an opportunity to utilise the existing resources that will be mobilised to the site as part of the development.

In the 2016 WFD cycle 2 classification, fish were classified as poor in this waterbody (Rother: Spittal Beck to Doe Lea - GB104027057771). The WFD investigation identified physical modification in conjunction with pollution as a likely cause. The latest cycle 2 classifications indicates there has been a recovery of the fish populations, with fish now classified as good (2019). However, pollution is still an issue in the watercourse; pollution from sewage discharge identified as a reason for not achieving good status. Although, fish populations appear to have recovered from the 2016 classification the barriers to migration still limit the ability of fish to migrate within the river, which can also hinder their ability to escape from pollution events, or to re-colonise following such an event. If future incidents were to occur it is likely there could once more be a deterioration in the fish classification.

Groundwater and Contaminated Land

Given the historic uses of the sites proposed for this masterplan, such as rail infrastructure, and other industrial uses in the past, there would be an expectation that some or all of the land would be impacted by contamination to some extent. Any development proposals would need to ensure that a thorough investigation is undertaken to determine any contamination risks from the development. Where contamination is found, remediation would need to take place to ensure there is no pollution risks to both the surface and ground water environments. Matters of human health are for the Environment Health Officer at your council.

SEA Screening

Thank you for consulting the Environment Agency on whether an SEA needs to take place. We note that Chesterfield Borough Council has decided that a SEA is not required. We note that some of the development proposals (Plot D) are situated in existing flood zones and near existing flood defences. Development will need to ensure that it does not increase flood risk to the site and to other, as well as ensuring that there is no detrimental impact upon the existing flood defences. If Masterplan proposals are expected to have an impact on these matters then they CBC may want to reassess the requirements for an SEA.

Yours sincerely

Mr Joseph Drewry
Planning Specialist

Direct dial 02030 253277

Direct e-mail joe.drewry@environment-agency.gov.uk

A2.2 Natural England

Date: 04 March 2021
Our ref: 342627
Your ref: None



Antony Wallace
Principal Planning Officer
Chesterfield Borough Council
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BY EMAIL ONLY

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Dear Antony,

Planning consultation: Chesterfield HS2 Station Masterplan including SEA and HRA Screening

Thank you for your consultation on the above dated 24 February 2021 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

1. Masterplan

Natural England welcomes the opportunity to comment on the Masterplan Public Consultation Report.

There is a great opportunity to design the station and its surroundings as an exemplar for green infrastructure within an urban environment and we are pleased to note that the importance of enhancing GI has been recognised within the masterplan document. We welcome the intention to increase tree cover, to create wildflower rich grassland, increase hedgerows and hedgerow trees and the planting of native species around the development. We also note within the landscape strategy that street trees and green roofs and walls have been included which as well as having benefits for biodiversity will provide resilience for climate change.

We suggest that the masterplan could include further opportunities to improve the coherence and connectivity of the ecological network to surrounding areas, following the guidance within the "Green Print for Chesterfield" document. We draw your attention to the recent launch of the Nature Recovery Network (NRN) partnership which provides an exciting opportunity for LPAs and developers to get involved in reversing the slow decline of biodiversity. Urban environments, such as the Chesterfield HS2 station site, can make an important contribution to biodiversity recovery when considered as part of a wider ecological network. For further details on the NRN please see the following link: <https://www.gov.uk/government/publications/nature-recovery-network>

Biodiversity Net Gain

Biodiversity Net Gain is a demonstrable gain in biodiversity assets as a result of a development project that may or may not cause biodiversity loss, but where the final output is an overall net gain. Net gain outcomes can be achieved both on and/or off the development site and should be embedded into the development process at the earliest stages.

The forthcoming Environment Bill will mandate net gains for biodiversity on new developments in

England to deliver an overall increase in biodiversity. Furthermore, net gain is referenced in the National Planning Policy Framework (NPPF) and is included within the government's 25-year plan "A Green Future". Natural England therefore recommends that the proposed Station development follows the net gain approach and takes the opportunity within this proposal to demonstrate a net gain in biodiversity. Natural England recommends the use of the Defra Biodiversity Metric which provides a clear, evidence-based approach to assessing a project's biodiversity impacts. For further information please see the link:

<http://publications.naturalengland.org.uk/publication/5850908674228224>

2. SEA and HRA Screening Report

Natural England welcomes the Screening Report (dated 14th January 2021) which assesses the requirement for Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) the Draft Chesterfield HS2 Station Masterplan.

SEA

Natural England considers that it is unlikely that any significant environmental effects will result from the Masterplan document that were not considered and dealt with by the Sustainability Appraisal of the adopted Chesterfield Borough Local Plan. We therefore agree with the conclusion of the SEA screening report that a Sustainability Appraisal would not be required for the masterplan.

HRA

Natural England agrees with the screening report's recommendation that there would be a need to consider the impact of the proposed development on specific habitats when the applications are made however at the current masterplan stage there would not be a requirement for an Appropriate Assessment.

If you have any queries relating to the advice in this letter please contact me on 02080268500

Yours sincerely

Roslyn Deeming
Senior Planning Adviser
East Midlands Area

A.2.3 Historic England



Alan Morey, Strategic Planning and Key Sites
Manager
local.plan@chesterfield.gov.uk

Our ref:
Your ref:
Telephone
07771502052

09 March 2021

Dear Mr Morey,

re: Chesterfield HS2 Station Masterplan

Thank you for your letter of the 5th February consulting Historic England on the HS2 Chesterfield Station Masterplan, and thank you for granting us an extension to the timescale for response.

The West side of Chesterfield suffered extensive damage in the 1960's with the construction of the A61 inner relief road, which bypassed the town by building on the course of the Great Central Railway and part of the historic core, destroying much of value in the process. In doing so it severed streets and created breaks in the townscape that have affected the image and prosperity of the town to this day. This does not however represent the true value of Chesterfield. It has great significance as a market town, and the sublime, crooked spire of St Mary's and All Saints Church is a manifestation of the town's broader importance and interest as a historic place.

The site is part of the broken townscape created by the A61, and like many railway arrivals, creates a poor impression that in no way reflects the quality of the place it serves. While little can be done about the broader impact of the A61 the opportunities brought by HS2 to stimulate development could potentially mitigate the way it intrudes into the visitor's experience in this location. The creation of a masterplan to guide this process therefore is welcomed in principle.

Improved connectivity to London, while an undoubtedly asset, is by no means a guarantee of economic prosperity. Numerous towns with significantly shorter journey times than Chesterfield are also undertaking master planning exercises precisely to address this, in what are in some ways less challenging contexts. Chesterfield however has the advantage of being able to use the "crooked spire" as a landmark to orientate (and intrigue) the newcomer, but the foreground setting to this view will be all important, in both policy and placemaking terms.



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Historic England

The provision of large multi-storey car parks is a regular feature of station masterplans, and the integration of such structures to create successful new places could be regarded as a discipline in itself. They have the merit of viability, but there is a risk that the aesthetic and functional downsides of such structures can result in them being the only buildings that are delivered due to impacts on the quality of the environment. In an area of damaged townscape such as this the challenge is all the greater.

The vast areas of hard surfacing interspersed with just a few bulky buildings (particularly plots B & E) as currently shown would regrettably give neither a flavour of the townscape beyond, nor we fear, establish a successful new place in its own right. These buildings would also, due to their bulk, reduce the impact of the spire, and thereby compromise its setting.

We therefore advise that a contextual approach that goes beyond long views is adopted that employs established urban design principles. Spreading out the quantity of development to create a tighter grain and lower heights would help with this and assist in creating a more intimate sense of place more in tune with the character of the town. It would allow, for instance, the integration of the GII listed Engineers Offices as part of a street scene, a far more appropriate setting for this building, which is illustrated marooned in a sea of public realm.

Map regression that shows the urban morphology of the site would allow a fuller understanding of how the townscape has changed. This level of understanding is in our experience essential to inform decision making in such historic locations. Such desk based assessment would also touch on the potential for archaeology, which is notable by its absence.

It is therefore with regret that we cannot commend the masterplan proposals as submitted, and would urge the council to consider making changes along the lines suggested, as this site is potentially of such pivotal importance for the town. If you would like to discuss this further I would be very happy to do so.

With reference to the SEA screening report, in our assessment what the masterplan proposes would have significant environmental effects, and the non-statutory nature of the document doesn't bear on this issue. We therefore advise that SEA is necessary.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Clive Fletcher".

Clive Fletcher, Principal Advisor and Lead Specialist, Historic Places
Mobile phone: 07771502052

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